

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** :  
 : **CRIMINAL NO. 3:17-156**  
**v.** : **(JUDGE MANNION)**  
**MARK KOMOROSKI,** :  
**Defendant** :

**ORDER**

On July 21, 2020, the court received a second emergency motion for compassionate release, under 18 U.S.C. §3582(c)(1)(A), from the defendant requesting his immediate release from prison to home confinement due to the COVID-19 pandemic and his medical conditions as well as retaliation by the BOP. (Doc. 86).<sup>1</sup> The court dismissed without prejudice defendant's first motion, (Doc. 75), on June 17, 2020.

The defendant is directed to file a brief in support of his instant motion by August 4, 2020. The government is directed to file its response 14 days

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<sup>1</sup>To the extent defendant alleges in his motion that the BOP falsely convicted him for a disciplinary infraction and is punishing him as retaliation for filing his motions with this court in violation of the First Amendment by confining him in the SHU without his CPAP machine and by removing one-month of good conduct time, he must file a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241, as well as a Bivens civil rights action, after he exhausts his administrative remedies.

after defendant files his brief. The defendant may file one reply brief 14 days after he is served with the government's brief.

*s/ Malachy E. Mannion*  
MALACHY E. MANNION  
United States District Judge

**Dated: July 21, 2020**

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